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SENATE RESOLUTION

2           WHEREAS, In January of 2000, former Illinois Governor  
3 George Ryan declared a moratorium on executions in Illinois;  
4 before the moratorium, 13 death row inmates were exonerated and  
5 found innocent of the crime for which they were originally  
6 sentenced to death; and

7           WHEREAS, Since 2000, 6 more death row inmates have been  
8 exonerated and found innocent of the crime for which they were  
9 originally sentenced to death; most recently, Nathson Fields  
10 was acquitted on April 8, 2009; the current number of  
11 exonerations in Illinois is 19, and Illinois is second only to  
12 Florida in number of exonerations from death row; and

13           WHEREAS, There is no safeguard that an innocent person  
14 would not be put on death row; the Illinois Commission on  
15 Capital Punishment formed by Governor Ryan in 2000 to study the  
16 death penalty in Illinois concluded that "no system, given  
17 human nature and frailties, could ever be devised or  
18 constructed that would work perfectly and guarantee absolutely  
19 that no innocent person is ever again sentenced to death"; and

20           WHEREAS, Despite the implementation of reforms to  
21 Illinois' death penalty system by both the Illinois General  
22 Assembly and the Illinois Supreme Court, there remains no

1 sufficient safeguard against additional innocent persons being  
2 convicted of murder and sentenced to death; and

3 WHEREAS, The death penalty is not a deterrent; in the last  
4 twenty years, states with the death penalty have a higher  
5 murder rate than states which do not; in Illinois, Cook County,  
6 the county with the highest murder rate, has also committed the  
7 most people to death row with no apparent effect on homicides;  
8 in fact, the murder rate in Illinois has gone down since the  
9 moratorium on executions has been in place; and

10 WHEREAS, The cost of the death penalty is prohibitive; the  
11 average cost of a trial in a federal death case is about 8  
12 times that of a federal murder case in which the death penalty  
13 is not sought; every state that has done a cost study has found  
14 death penalty cases cost millions to hundreds of millions more  
15 than non-death cases, including cases in which the defendant  
16 receives life without parole; and

17 WHEREAS, The State of Illinois can no longer afford to  
18 waste its scarce resources on the death penalty; and

19 WHEREAS, The Cook County Public Defender routinely  
20 depletes its annual funds to pay for capital cases before the  
21 end of the fiscal year, and without the funds, the office is  
22 unable to pay for the help of expert witnesses, as well as the

1 other additional costs of a death penalty case; the Cook County  
2 Public Defender's 2009 allotment of \$1.75 million was exhausted  
3 this month, in large part because 60 percent of the money went  
4 to cover unpaid bills from 2008; and

5 WHEREAS, The State's budget for Fiscal Year 2009 includes  
6 \$10,642,100 for the Capital Litigation Trust Fund, created by  
7 the General Assembly in 2000; the Governor's proposed budget  
8 for Fiscal Year 2010 includes \$11,642,100 for the Fund; over  
9 the past 6 fiscal years, the Fund has been allocated just under  
10 \$89 million; nevertheless, the Fund's expenditures account for  
11 only part of the true cost of maintaining capital punishment in  
12 Illinois - a cost that is difficult to estimate without  
13 conducting an expensive and comprehensive cost study; and

14 WHEREAS, A cost study done in the State of New Jersey found  
15 the death penalty has cost New Jersey taxpayers \$253 million  
16 more than the costs that would have been incurred in a system  
17 with a maximum sentence of life without parole; the study  
18 examined the costs of death penalty cases to prosecutor  
19 offices, public defender offices, courts, and correctional  
20 facilities, and the report's authors wrote that the cost  
21 estimate is "very conservative" because other significant  
22 costs uniquely associated with the death penalty were not  
23 available and, "from a strictly financial perspective, it is  
24 hard to reach a conclusion other than this: New Jersey

1 taxpayers over the last 23 years have paid more than a quarter  
2 billion dollars on a capital punishment system that has  
3 executed no one," the report concluded; since 1982, there have  
4 been 197 capital trials in New Jersey and 60 death sentences  
5 imposed, of which 50 were subsequently reversed; there have  
6 been no executions, and 10 men are housed on the death row;  
7 Michael Murphy, former Morris County prosecutor, remarked: "If  
8 you were to ask me how \$11 million a year could best protect  
9 the people of New Jersey, I would tell you by giving the law  
10 enforcement community more resources; I'm not interested in  
11 hypotheticals or abstractions, I want the tools for law  
12 enforcement to do their job, and \$11 million can buy a lot of  
13 tools"; and

14 WHEREAS, Death penalty cases are more expensive at every  
15 stage of the judicial process than similar non-death cases;  
16 death penalty cases cost more to try, hear, appeal and  
17 incarcerate than non-death cases; a new study in the State of  
18 Maryland released by the Urban Institute on March 6, 2008  
19 forecasted that the lifetime expenses of capitally-prosecuted  
20 cases since 1978 will cost Maryland taxpayers \$186 million; the  
21 study estimates that the average cost to Maryland taxpayers for  
22 reaching a single death sentence is \$3 million - \$1.9 million  
23 more than the cost of a non-death penalty case; the study  
24 examined 162 capital cases that were prosecuted between 1978  
25 and 1999 and found that those cases cost \$186 million more than

1 what those cases would have cost had the death penalty not  
2 existed as a punishment; at every phase of a case, according to  
3 the study, capital murder cases cost more than non-capital  
4 murder cases; the 106 cases in which a death sentence was  
5 sought but not handed down in Maryland cost the state an  
6 additional \$71 million and those costs were incurred simply to  
7 seek the death penalty even though the ultimate outcome was a  
8 life or long-term prison sentence; and

9 WHEREAS, There is broad support for abolition of the death  
10 penalty internationally; 137 out of 194 countries worldwide  
11 have abolished the death penalty by law or in practice,  
12 including almost all industrialized western democracies, and  
13 most recently Uzbekistan and Argentina; no nation can become a  
14 member of the European Economic Union without first abolishing  
15 capital punishment; nations that have abolished the death  
16 penalty include Italy, France, Germany, Mexico, South Africa,  
17 Rwanda, Costa Rica and Ireland; according to a recent Amnesty  
18 International report, the United States in 2008 had a higher  
19 execution rate last year than Pakistan and is ranked the fourth  
20 highest executioner on the planet, behind only China, Iran, and  
21 Saudi Arabia and ahead of Pakistan, Iraq, Vietnam, Afghanistan,  
22 and North Korea; 93% of the world's executions are carried out  
23 by the United States, China, Iran, Saudi Arabia, and Pakistan;  
24 of the 59 countries which still have the death penalty, only 25  
25 carried out executions last year; therefore, be it

1           RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL  
2 ASSEMBLY OF THE STATE OF ILLINOIS, that we support the  
3 abolition of the death penalty in Illinois.